

8.30.050 – Tree conservation areas

- A. The Tree Conservation Areas listed in this section are hereby found to be unique community assets that, if protected, will enhance the value of the property encumbered by said covenants and easements as well as other property within the community. These Tree Conservation Areas shall be maintained in conformance with the provisions of their respective covenants and easements, and in conformance with the Tree Conservation Area Guidelines set forth in Exhibit “A” hereto (the “TCA Guidelines”).

Tree Conservation Areas:

Red Gate Units 4, 5 and 7: Tree Preservation Area

Red Gate Units 2 and 8: Natural Area Easement

Tradition of St. Charles: Tree Conservation Easement

Woods of Crane Road: Natural Area Easement

Kingswood, and Kingswood Unit II and III: Tree Conservation Zone, Natural Area Easement

Majestic Oaks: Tree Conservation Easement

Willowgate: Drainage and Conservation Easement


Woods of Delnor: Conservation Area

Woods of Fox Glen Units 1 and 2: Natural Area Easement

The Royal Fox: Natural Area Easement

- B. A property owner who proposes to make changes within a Tree Conservation Area shall submit a written request to the City. Such request shall clearly describe the type of work to be undertaken, the locations, quantities, and specifications of materials and equipment, and the name and licensing of any contractor performing the work. Written approval from the City must be received before proceeding with any alterations, even if such alterations are allowed by the TCA Guidelines.
- C. Any encroachment in the Tree Conservation Area that has not been previously authorized by City Administrator or their designee, must be removed immediately by the property owner and at their expense. The property owner may however submit a written request to the City Administrator or their designee requesting that the encroachment be allowed to remain. Each request will be reviewed individually by the City Administrator or their designee, and on a case-by-case basis taking the TCA Guidelines and the following criteria into consideration:
1. The length of the time the encroachment has been installed and whether it was installed by a previous owner.
 2. The quality/condition of the vegetation in the area prior to the installation of the encroachment.
 3. Whether the encroachment can be easily relocated outside of the easement.
 4. Potential for further damage to vegetation caused by removal of the encroachment.
- The final determination shall be made by the City Administrator or their designee and shall be final. If any encroachment in the Tree Conservation Area is authorized to remain, it shall not be expanded, enlarged, or enhanced during its usable lifespan. At such a point that the encroachment is no longer usable or functional for its original purpose, it shall be completely removed at the property owner's expense. Removal shall include all above and below grade improvements, including, but not limited to, foundations, footings, utilities. The encroachment area shall be restored to its original condition. If the original condition is unknown, then the encroachment area shall be restored to match the conditions of the surrounding area.
- D. When active restorative measures such as planting or vegetation removal are necessary to bring a property into compliance with the TCA Guidelines, the owner shall submit a restoration plan within 60 days of written notification that the property is in violation of the TCA Guidelines. If the City Administrator or his designee determines the following proposed restoration plan will restore the area to a condition that conforms with the TCA Guidelines, he shall approve it. The owner shall restore the disturbed area in conformance with the approved restoration plan within twelve months following its approval.

Exhibits:

 Exhibit A 8.30.050.pdf

(2014-M-27 : § 1; 2013-M-79 : § 1; 2001-M-73 : § 1)